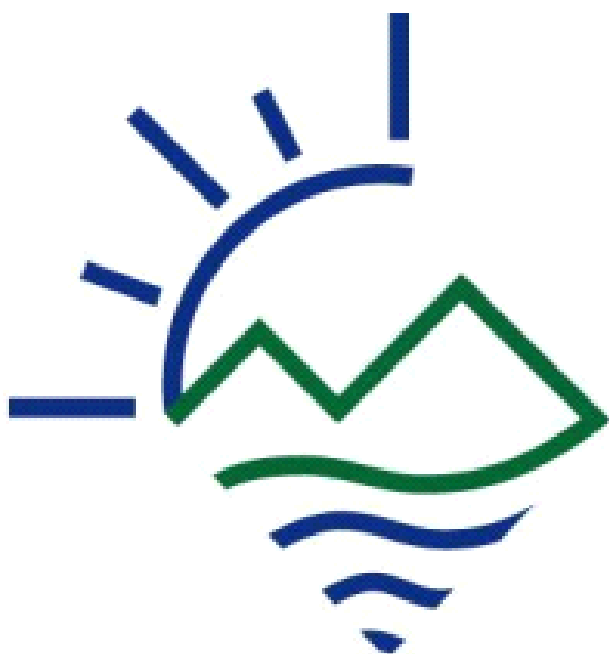


# **LEGISLATIVE SUMMARY REPORT**



## **2008 Legislative Year**

**A compilation of legislation from the second half of the 2007-2008 Legislative Session affecting the Department of Toxic Substances Control**

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# **State of California**

**Arnold Schwarzenegger**  
**Governor**

**Linda Adams**  
Secretary for Environmental Protection  
California Environmental Protection Agency

## **Department of Toxic Substances Control**

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**November 2008**

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# Introduction

This report summarizes all bills considered by the California State Legislature during the second legislative year of the 2007-08 Legislative Session that either directly or indirectly affects the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills introduced in 2007 that were carried over to the 2008 Legislative Year (two-year bills). Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but were rejected by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1, 2009. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

Please direct all inquiries regarding this report to:

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

<p><i>DTSC's 2008 Legislative Summary can also be viewed on its Internet site:</i> <i><a href="http://www.dtsc.ca.gov">http://www.dtsc.ca.gov</a></i></p>
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# Acronyms

<b>AB</b>	Assembly Bill
<b>AESTM</b>	Assembly Committee on Environmental Safety and Toxic Materials
<b>ARB</b>	Air Resources Board
<b>BDOs</b>	Boards, Departments and Offices within Cal/EPA
<b>BOE</b>	Board of Equalization
<b>BTH</b>	Business, Transportation and Housing Agency
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CEQA</b>	California Environmental Quality Act
<b>CIWMB</b>	California Integrated Waste Management Board
<b>CUPA</b>	Certified Unified Program Agency
<b>DOC</b>	Department of Conservation
<b>DFG</b>	Department of Fish and Game
<b>DHS</b>	Department of Health Services
<b>DPH</b>	Department of Public Health
<b>DPR</b>	Department of Parks and Recreation
<b>DTSC</b>	Department of Toxic Substances Control
<b>DWR</b>	Department of Water Resources
<b>EIR</b>	Environmental Impact Report
<b>HCD</b>	Department of Housing and Community Development
<b>OEHHA</b>	Office of Environmental Health Hazard Assessment
<b>OES</b>	Office of Emergency Services
<b>OHS</b>	Office of Homeland Security
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SB</b>	Senate Bill
<b>SR</b>	Senate Resolution
<b>SOR</b>	Senate Committee on Rules
<b>SEQ</b>	Senate Committee on Environmental Quality
<b>State</b>	State of California
<b>SWRCB</b>	State Water Resources Control Board
<b>US EPA</b>	United States Environmental Protection Agency
<b>UST</b>	Underground Storage Tank

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# Assembly Bills

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**AB 38 (Nava) Chapter 372**

This bill creates the California Emergency Management Agency by merging OHS and OES. This Agency will be responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security.

**AB 844 (Berryhill) Chapter 731**

This bill requires a junk dealer or recycler to keep specified records on scrap metals that are sold to them, and provide a sheriff or police chief the specified records when asked.

**AB 1252 (Caballero) Chapter 39**

This bill appropriates general obligation bonds from the Housing and Emergency Shelter Trust Fund Act of 2006 and the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act to fund housing and transportation infrastructure projects. The projects will encourage planning, housing, and infill incentive programs to address housing and infrastructure needs, and to expedite funding to improve streets and roads, and to improve traffic congestion, safety, and air quality.

**AB 1338 (Committee on Budget) Chapter 60**

This bill enacts a variety of budget trailer provisions related to the State Budget Act of 2008, including provisions related to the Department of Toxic Substances Control, including litigation support for the Department of Justice, funding of implementation activities of the California Environmental Contaminant Biomonitoring Program, and the establishment of a Federal Revolving Loan Fund Grant Program.

**AB 1778 (Ma) Chapter 733**

This bill prohibits junk dealers or recyclers from providing payment for newspaper and California Redemption Value containers unless the payment is made by a check. Junk dealers or recyclers should obtain certain identifying information, and that information will be kept for a certain period.

**AB 1860 (Huffman) Chapter 569**

The bill requires the immediate removal of recalled products from the stream of commerce and that the product is properly disposed or retrofitted.

**AB 1879 (Feuer) Chapter 559**

This bill authorizes DTSC to establish procedures in regulation to identify and prioritize chemicals of concern, evaluate alternatives to chemicals of concern and specify regulatory responses where chemicals of concern are found in products.

**AB 1960 (Nava) Chapter 562**

This bill requires the Division of Oil, Gas and Geothermal Resources to adopt regulations establishing minimum facility maintenance standards for oil production facilities. The Division will also conduct facility inspections to ensure compliance and allows fines and penalties to be assessed for noncompliance.

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**AB 1972 (DeSaulnier) Chapter 436**

This bill replaces current plastic bag definitions with the ASTM Standard Specification for Compostable Plastics D6400, the ASTM Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment D7081, or a standard adopted by the CIWMB.

**AB 2031 (Hancock) Chapter 563**

This bill authorizes a local oil spill response manager to train and certify volunteers to help with oil spills. In addition, the manager will provide the state on-scene coordinator with timely information on local government response to the oil spill.

**AB 2071 (Karnette) Chapter 570**

The bill will impose fines if a plastic bag, plastic food container or beverage container does not meet specified labeling requirements.

**AB 2222 (Caballero) Chapter 670**

The bill requires SWRCB to develop a report on groundwater contamination to identify funding options to extend the comprehensive monitoring program. The report will also examine ways to enhance public information accessibility for groundwater conditions.

**AB 2286 (Feuer) Chapter 571**

This bill requires the Secretary for Environmental Protection to establish a statewide database to collect information from CUPAs, local enforcement agencies, and regulated businesses in California on hazardous materials inventory. Cal/EPA can charge regulated businesses an additional \$25 annually for at least three years to pay for the system.

**AB 2347 (Ruskin) Chapter 572**

This bill requires thermostat manufacturers to collect and recycle out-of-service mercury-added thermostats.

**AB 2650 (Carter) Chapter 248**

This bill allows California to continue its participation in a federal surface transportation project delivery pilot program. The bill also requires the California Department of Transportation to submit two reports to the Legislature (January 1, 2009 and by January 1, 2011) assessing the project delivery time for each project.

**AB 2679 (Ruskin) Chapter 500**

This bill makes numerous changes to strengthen and streamline enforcement provisions of the California Integrated Waste Management Act of 1989.

**AB 2714 (Keene) Chapter 250**

The bill will allow a minimal amount of hay or straw chaff to escape from a vehicle, and that spilling will not constitute a violation.



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**AB 2720 (Levine) Chapter 148**

The bill makes technical changes to CEQA regarding the siting of school facilities near or on hazardous waste sites or near facilities emitting hazardous emissions.

**AB 2729 (Ruskin) Chapter 644**

This bill creates the School District account in the UST Cleanup Fund and transfers \$10 million annually for three years into this account to provide financial assistance to school districts or county offices of education for cleaning up an UST on school property. This bill also increases the cost threshold for using a removal action workplan on a brownfield cleanup site from \$1 million to \$2 million.

**AB 2855 (Hancock) Chapter 685**

This bill establishes two new categories of partnership academies, the Green Technology Partnership Academies and the Goods Movement Partnership Academies. These academies will promote education for emerging environmentally sound technologies.

**AB 2901 (Brownley) Chapter 575**

This bill makes a number of technical changes to align the Lead in Jewelry and Toxics in Packaging laws. The bill gives DTSC explicit inspection and sampling authority for products and creates penalties for manufacturers and suppliers that intentionally falsify product certifications and sell tainted products.

**AB 2911 (Wolk) Chapter 565**

The bill expands the authority of the Administrator for oil spill response to direct the removal, abatement, response, containment and cleanup efforts for oil spills in California. The Administrator becomes a representative of the State of California in a coordinated response effort with the federal government. The bill defines terms and assesses administrative and civil penalties for marine and inland waters. It also requires the Administrator of the Office of Spill Prevention to submit a report to the Legislature on California's oil spill contingency plans for both inland and marine spills by January 1, 2010.

**AB 2935 (Huffman) Chapter 564**

The bill will strengthen oil contingency plans by including the protection of environmentally sensitive areas into the plans. The bill establishes procedures for the closure of fishery closures following an oil spill.

**AB 3018 (Nunez) Chapter 312**

The California Workforce Investment Board will establish the Green Collar Jobs Council to develop strategies and resources that promote workforce training and job opportunities in California's emerging green economy.

**AB 3025 (Lieber) Chapter 471**

This bill prohibits the sale of expanded polystyrene loosefill packaging in California after January 1, 2012 unless it is comprised of a specified amount of recycled material. The bill also created a schedule to increase the percentage of recycled material in packaging.

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**AB 3034 (Galgiani) Chapter 267**

This bill placed the Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century on the November 4, 2008 general election for approval. Upon approval from voters, the bond will establish a high-speed train system in California.

**AB 3042 (Committee on Public Employees, Retirement and Social Security) Chapter 150**

This bill revises provisions governing personnel notice requirements against civil servants. Those notices can now be served in person, by mail or by express service carrier. The bill also repeals probationary provisions that were held to be unconstitutional.

**AB 3043 (Committee on Public Employees, Retirement and Social Security) Chapter 43**

This bill approves addenda to memoranda of understanding entered into by California and State Bargaining Units 2, 4, 16, 17, 19 and 20 for various employee compensation agreements.

**AB 3065 (Committee on Veterans Affairs) Chapter 590**

This bill would allow a retired veteran, a veteran honorably discharged from active military duty with a service-connected disability, or honorably discharged from active duty, to be eligible for promotional civil service examinations if they meet the minimum requirements.

**AJR 57 (Huffman) Chapter 130**

This bill urges the federal Food and Drug Administration to take actions that will reduce the public's exposure to mercury in seafood.

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# SENATE BILLS

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**SB 27 (Simitian) Chapter 608**

This bill requires OES to establish the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force to develop recommendations and strategies for an all-hazard emergency response for the Delta. The Task Force must submit a report to the Legislature and the Governor by January 1, 2011.

**SB 375 (Steinberg) Chapter 728**

This bill provides incentives for integrated regional land use planning and local development that provides improved mobility and reduced greenhouse gas emissions consistent with the California Global Warming Solutions Act of 2006. Each metropolitan region will adopt a "sustainable communities strategy" to encourage mixed-use development and alternative modes of transportation to reduce the amount of vehicle miles traveled.

**SB 509 (Simitian) Chapter 560**

This bill requires DTSC to establish an online, public Toxics Information Clearinghouse that includes science-based information on the toxicity and hazard traits of chemicals used in daily life.

**SB 732 (Steinberg) Chapter 729**

This bill encourages sustainable land use growth in California by providing loans and grants to local and regional governments.

**SB 1016 (Wiggins) Chapter 343**

The bill encourages diversion from landfill disposal by changing the rates of solid waste source reduction, recycling and composting to a per capita rate.

**SB 1161 (Lowenthal) Chapter 616**

This bill extends the UST Cleanup Trust Fund Act to January 1, 2016, and expands the definition of UST and UST system. SB 1161 also expands the availability of permit waivers and reauthorizes the Orphan Site Cleanup Fund that reimburses costs for brownfield cleanup.

**SB 1334 (Calderon) Chapter 580**

This bill requires that plumbing material be certified as "lead-free" for use in public water systems by an independent third party. This bill is double-joined with SB 1395.

**SB 1357 (Padilla) Chapter 697**

This bill allows DOC to provide grant funding up to \$20 million from July 1, 2009 to January 1, 2012 for the following programs: beverage container recycling, litter reduction programs, regional community beverage container recycling or litter reduction programs. A grant recipient must submit a report to the department. The bill also requires DOC to publish an evaluation of grants, including a summary of those reports.

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**SB 1395 (Corbett) Chapter 581**

The bill requires DTSC to establish a lead plumbing monitoring and compliance testing program for purposes of determining whether plumbing materials are “lead-free” as required by DPH for use in public water systems. This bill is double-joined with SB 1334.

**SB 1696 (Yee) Chapter 62**

This bill requires any contract, regardless of terms, is subject to disclosure according to the California Public Records Act. State or local agencies can not allow a third party to control the disclosure of information that is subject to the California Public Records Act.

**SB 1xx (Perata) Chapter 1**

This bill appropriates \$820,973,000 in available bond funds for various water-related projects.

**SCR 88 (Denham) Chapter 63**

This resolution urges educators to partner with businesses to create an educational system that focuses on 21<sup>st</sup> Century job skill needs for today’s students.

**SCR 96 (Steinberg) Chapter 58**

This resolution proclaims May 21, 2008 as the 20<sup>th</sup> Annual State Scientist Day that gives tribute to the dedication and work of state scientists.

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# Bill Subject Index

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## Administrative

AB 865	Davis	State agencies: Like customer Service Agents	Vetoed
AB 1579	Lieber	Information technology goods and services: requests for proposals	Dead
AB 1595	Lieber	Disaster Mitigation and emergency Service	Dead
AB 1942	Ruskin	Public contracts: small businesses and disabled veteran business enterprises	Vetoed
AB 3033	Laird	University of California: contracts	Vetoed
AB 3041	PERS	Public employees' Retirement Law	Vetoed
AB 3042	PERS	Civil Service	Chapter 150
AB 3043	PERS	Public employees	Chapter 43
AB 3065	Veteran Affairs	Public employment: veterans	Chapter 590
SB 695	Wiggins	Public employment: Department of Fish and Game	Dead
SB 721	Ashburn	State agencies: Succession Plans	Dead
SB 1696	Yee	California Public Records Act: disclosure	Chapter 62

## Bonds/Grants/Loans/Incentives

AB 100	Mullin	Education facilities: Kindergarten-University Public Education Facilities Bond Act of 2008	Vetoed
AB 1231	Garcia	Infill development: Incentive grants	Dead
AB 1527	Arambula	Income and corporation taxes: credits: California Cleantech Advantage Act of 2008	Dead
AB 1620	Arambula	California Clean Technology Service Unit	Dead
AB 1651	Arambula	Taxation: tax credits: qualified capital equipment	Dead
AB 2855	Hancock	Career technical education: partnership academies: green technology and goods movement	Chapter 685
AB 3034	Galgiani	Safe, Reliable High-Speed Passenger Train Bond Act for the 21 <sup>st</sup> Century	Chapter 267
SB 47	Perata	Transportation bonds	Dead
SB 546	Ducheny	HCD : bond fund expenditures: report	Dead
SB 1357	Padilla	Beverage containers: processing payments: grants	Chapter 697
SB 1xx	Perata	Water quality, flood control, water storage and wildlife preservation	Chapter 1

## Brownfields

AB 29	Hancock	Infill development: incentive grants	Dead
AB 274	Coto	Taxation: credit: Brownfield cleanup	Dead
SB 46	Perata	Housing and Emergency Shelter Trust Fund Act of 2006: Regional Planning, Housing, and infill incentive Account	Dead
SB 427	Harman	CEQA: short form environmental impact reports	Dead
SB 522	Dutton	Infill housing: incentives	Dead

## CEQA

AB 862	Wolk	Public resources: information	Dead
AB 1017	Ma	Appeal to local Lead Agency's elected decision-making body	Vetoed
AB 2720	Levine	Environment: environmental impact report	Chapter 148
SB 68	Kuehl	Environmental quality: determination: dispute	Vetoed
SB 245	Aanestad	Environment: CEQA	Dead

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## Electronic Waste

AB 218	Saldana	Electronic equipment: RoHS	Dead
AB 729	Mullin	Recycling: e-waste	Dead
AB 1391	Brownley	Electronic waste	Vetoed
AB 1535	Huffman	Electronic waste: personal computer	Dead

## Energy/Energy Efficiency

AB 80	Krekorian	School facilities: energy efficiency	Dead
AB 722	Levine	Energy: general service lamp	Dead
AB 792	Garcia	Environmentally Sustainable Affordable Housing Program	Dead
SB 469	Runner	Environment: energy	Dead

## Green Chemistry

AB 513	Lieber	PBDE: prohibition	Dead
AB 514	Lieber	Workplace safety and health: Diacetyl	Dead
AB 515	Lieber	Occupational safety and Health	Dead
AB 558	Feuer	Hazardous waste: reduction: regulations	Dead
AB 706	Leno	Fire retardants: toxic effects	Dead
AB 1860	Huffman	Unsafe products: recall or warning	Chapter 569
AB 1879	Feuer	Chemicals of concern and alternatives analysis process	Chapter 559
AB 2106	Hayashi	Cosmetic safety	Vetoed
AB 2622	Hayashi	Unemployment insurance: Employment Training Panel: clean technology industry	Vetoed
AB 3018	Nunez	California Green Collar Jobs Act of 2008: green jobs	Chapter 312
SB 291	Simitian	Pollution prevention: California Design for the Environment Program	Dead
SB 456	Simitian	Diacetyl	Dead
SB 509	Simitian	Online toxics clearinghouse	Chapter 560
SB 651	Calderon	Drinking water: pipes and fittings: lead content	Dead
SB 775	Ridley-Thomas	Childhood lead poisoning	Vetoed
SB 1230	Maldonado	Detergents: phosphorus	Vetoed
SB 1313	Corbett	Product safety: perfluorinated compounds	Vetoed
SB 1334	Calderon	Drinking water: pipes and fittings: lead content	Chapter 580
SB 1395	Corbett	Lead plumbing: monitoring and compliance testing	Chapter 581

## Hazardous Materials

AB 1946	Nava	Hazardous materials: water quality: enforcement	Vetoed
AB 2286	Feuer	Unified hazardous waste and hazardous materials	Chapter 571
SB 329	Dutton	Hazardous materials: business plans	Dead

## Hazardous Substances

AB 501	Swanson	Pharmaceutical devices	Vetoed
AB 2714	Keene	Cargo loads: spilling	Chapter 250
SB 592	Cogdill	Methamphetamine: liable party: property owner reimbursement	Dead
SB 628	Correa	Controlled substances	Dead



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## Hazardous Waste

AB 656	Plescica	Hazardous waste: alkaline batteries	Dead
AB 1193	Ruskin	Mercury-added thermostats: collection program	Dead
AB 1195	Torricon	Recycling: used oil: incentive payments	Dead
AB 1556	Horton	Crimes: hazardous waste	Dead
AB 2347	Ruskin	Mercury-added thermostats: collection program	Chapter 572
AB 2679	Ruskin	Solid Waste: enforcement: local agencies	Chapter 500
SB 817	Ducheny	Hazardous waste: treatment: silver	Dead
SB 932	Ashburn	Hazardous waste: listing	Dead
SB 958	Margett	Hazardous Waste Control Law	Dead

## Land Use Issues

AB 1074	Houston	California State Conservation Permit	Dead
AB 1252	Caballero	Housing and Emergency Shelter Trust Fund Act of 2006: Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006	Chapter 39
AB 1338	Budget	Public Resources	Chapter 760
AB 1366	Portantino	CalHome Program: Building Equity and Growth in Neighborhoods (BEGIN) Program: Infill Incentive Grant Program of 2007: general plan: housing element: annual report	Vetoed
AB 2650	Carter	Department of Transportation: environmental review process: reports	Chapter 248
AB 2733	Brownley	Real property disclosures	Vetoed
SB 375	Steinberg	Transportation planning: travel demand models: sustainable communities strategy: environmental review	Chapter 728
SB 429	Ducheny	Land use controls	Dead
SB 732	Steinberg	Environment	Chapter 729
SB 951	Wyland	Schools facilities: school sites	Dead

## Local Government

AB 1170	Krekorian	State mandates	Dead
AB 1257	Caballero	Rural CUPA reimbursement	Dead
SB 1016	Wiggins	Diversion: compliance: per capita disposal rate	Chapter 343

## Misc.

AB 38	Nava	State agencies: California Emergency Management Agency	Chapter 372
AB 47	Smyth	Mining	Dead
AB 693	Plescica	California Emergency Services Act	Dead
AB 1352	Berryhill	Animals: rendering	Dead
AB 1600	La Malfa	Taxation: state agencies: burden of proof	Dead
AB 1960	Nava	Public resources: oil production facilities and oil spills	Chapter 562
AB 2031	Hancock	Oil spill prevention and response	Chapter 563
AB 2032	Hancock	Oil spill prevention and response fees	Vetoed
AB 2547	Leno	Oil spill prevention and response	Vetoed
AB 2901	Brownley	Toxics: enforcement: lead jewelry: packaging	Chapter 575
AB 2911	Wolk	Oil spill prevention and response: inland spills: wildlife contaminations	Chapter 565
AB 2935	Huffman	Oil spill prevention and response	Chapter 564
SB 908	Simitian	Environmental education	Vetoed

SB 912	Negrete McLeod	Highway safety: flares: electronic beacons	Dead
SCR 88	Denham	Education: 21 <sup>st</sup> Century skills	Chapter 63
SCR 96	Steinberg	The 2008 State Scientist Day	Chapter 58

## Public Health

AB 1621	Smyth	Agricultural wastes	Dead
AJR 57	Huffman	Mercury-contained seafood	Chapter 130

## Recycling

AB 820	Karnette	Recycling polystyrene: state facilities	Dead
AB 844	Berryhill	Junk dealers and recyclers: nonferrous materials	Chapter 731
AB 904	Feuer	Recycling: food containers	Dead
AB 1778	Ma	Junk dealers and recyclers: newspaper and California Redemption Value (CRV) containers	Chapter 733
AB 1972	DeSaulnier	Solid waste: plastic bags: food and beverage containers	Chapter 436
AB 2071	Karnette	Plastic bags: plastic food and beverage containers: enforcement	Chapter 570
AB 3025	Lieber	Solid waste: polystyrene loose fill packaging	Chapter 471
SB 300	Corbett	Recycling: beverage containers: San Francisco Bay area	Dead
SB 899	Simitian	Fishing gear	Vetoed

## Site Mitigation/Site Cleanup/Corrective Action

AB 579	Swanson	Military base recovery areas	Dead
AB 909	Wolk	Mercury monitoring and remediation	Dead
AB 2729	Ruskin	Hazardous substances: underground storage tanks	Chapter 644
SB 1161	Lowenthal	Petroleum underground storage tanks: cleanup	Chapter 616
SB1574	Florez	Underground storage tanks: biodiesel	Vetoed

## Water

AB 640	DeLaTorre	Water replenishment districts	Dead
AB 1018	Emmerson	Porter-Cologne Water Quality Control Act: waste cleanup	Dead
AB 1127	Carter	Public health: perchlorate: drinking water standards: City of Realto: perchlorate	Dead
AB 2222	Caballero	Groundwater quality: monitoring	Chapter 670
SB 27	Simitian	Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008	Chapter 608
SB 55	Florez	Water Quality: sewage sludge	Dead
SB 395	Cox	Water supply: groundwater aquifers	Dead

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# **VETO MESSAGES**

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To the Members of the California State Assembly:

I am returning **Assembly Bill 100** without my signature.

Provisions in this bill would set an undesirable precedent by providing a retroactive increase to school district per-pupil construction grants. This provision conflicts with the full and final apportionment provision of the School Facilities Program, which requires districts to certify that the funding received is sufficient to complete the project for which the grants are intended. Furthermore, with California's current fiscal climate, it is imprudent to increase construction grants at this time, particularly considering it is uncertain when the next school bond measure may be approved by the voters.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 501** without my signature.

While I support the safe and proper disposal of home-generated sharps waste, this bill only applies to the disposal of prefilled injection devices. Although the use of these devices is increasing, omitting other types of home-generated sharps from the bill could potentially create an unintentional disincentive for the production and use of these prefilled injection devices. Limiting the types of sharps in this way, making the bill's provisions take effect only upon the request of consumers, and the options provided to the manufacturers of these devices will likely reduce the efficacy of this bill.

Lastly, and most importantly, this bill is unclear as to who bears the ultimate cost of these containers. This problem requires a solution that must be shared among all the stakeholders, not just the manufacturers of one type of device.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 865** without my signature.

This bill would require specified state agencies to answer incoming telephone calls on their main public lines with a live customer service agent within ten rings.

Good customer service is an essential part of good state government. My Administration strives to ensure that our constituents receive the best customer service possible, even in tight fiscal times such as these. To that end, each Agency impacted by this bill has practices in place to address the needs of its particular constituents. The inflexible mandate proposed by this bill is not only unnecessary but places fiscal burdens on the state at the most inopportune of times.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1017** without my signature.

This bill establishes timelines under the California Environmental Quality Act (CEQA) during which an administrative appeal of an action taken by a nonelected decision-making body may be made to the elected body.

This bill is unnecessary because existing law already allows local elected officials to set their own deadlines for administrative appeals under CEQA. Imposing standard deadlines for the governance of administrative appeals without regard for variations in local conditions, caseload impacts and other practical considerations unnecessarily limits the discretion of local governments.

For these reasons, I cannot support this measure.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1366** without my signature.

This bill would require local governments to have approved housing elements and to have submitted annual housing element progress reports for eligibility for funding of specified affordable housing programs administered by the Department of Housing and Community Development. As a result, this bill could exclude housing projects located in some communities from accessing Proposition 1C housing bond funds for affordable housing projects. While compliance with housing element law is important, withholding funding could have the effect of reducing affordable housing options in communities where it is most needed.

For this reason, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger



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To the Members of the California State Assembly:

I am returning **Assembly Bill 1391** without my signature.

This bill would require a retail seller of covered electronic devices (CED) to provide customers, at the point of sale, with the Integrated Waste Management Board's (CIWMB's) website.

This bill is almost identical to AB 546, which I vetoed last year. In vetoing that bill, I stated that the provisions of the bill were redundant of existing law. The same holds true for this bill.

The Electronic Waste Recycling Act of 2003 already requires manufacturers to make information available to consumers, through the use of a toll-free number, Internet website, device labeling, and information in the packaging or accompanying the sale of a CED that describes where and how to return, recycle, and dispose of CEDs.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1942** without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1946** without my signature.

California's current structure of water quality enforcement has systemic problems that must be addressed in a comprehensive and coordinated fashion. Last year, I asked the State Water Resources Control Board (State Board) to analyze the current structure and procedures of the state and regional water boards and develop a package of reforms that will result in improvements in the implementation and enforcement of our water quality laws. That package of reforms was delivered to the Legislature earlier this year and was never acted upon.

This bill misses the mark because increasing the frequency and severity of civil penalties via the court system is not the truest measure of our success in addressing water quality in California. The courts are an effective tool, but they are not the only tool that should be used to ensure clean water.

Greater emphasis needs to be placed on increasing the accountability, consistency, and effectiveness of the regional and state boards. Doing so ensures that we create a system that lays out a clear path to compliance with our water quality laws, without having to resort to the courts.

This is an important issue and I encourage the author and the Legislature to address it in a comprehensive fashion in the next legislative session.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 2032** without my signature.

This bill would authorize the Administrator of the Office of Spill Prevention and Response (OSPR) to increase the per barrel oil fee on oil delivered to a marine terminal or transported into the state by a pipeline through marine waters from the current 5 cents per barrel up to 8 cents per barrel.

The per-barrel fee was increased in 2002, and OSPR is currently using those increased funds to implement a number of strategies to improve preparedness and operations that will not result in costs above what is included in the 2008 Budget Bill.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 2106** without my signature.

While the intent of the author is laudable, there is an existing science-based process by which chemicals are determined to be harmful to the public. I signed legislation in 2005 to require manufacturers that sell any federally regulated cosmetic products to submit a list of their products sold in California along with an identification of any ingredients that cause cancer or reproductive toxicity. This bill circumvents our state's existing process and lacks enforcement and oversight provisions.

Harmful ingredients should be regulated based upon California's existing science-based process, rather than through legislation.

For these reasons, I am returning AB 2106 without my signature.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 2547** without my signature.

In addition to many other activities which are already being undertaken by the Office of Spill Prevention and Response (OSPR), this bill seeks to establish a new grant program to evaluate new oil spill response technologies. This is unnecessary as OSPR already maintains partnerships with the United States Coast Guard and the Minerals Management Service to monitor and evaluate new response technologies.

Additionally, the funding stream for this new program is problematic. The bill proposes to fund the new grant program using the Oil Spill Response Trust Fund. This is problematic because Trust Fund monies are set aside to fund oil spill response activities. Using this money for an ongoing program depletes the fund and sets a bad precedent that undermines its purpose: to ensure that there are always funds available for expedient response to an oil spill in the marine waters of the state.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 2622** without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 2733** without my signature.

This bill is unnecessary as current law already requires sellers of real property to notify buyers of the presence of environmentally hazardous substances, materials or products that are on the property, if the seller has knowledge of such contamination. Current law provides adequate protection for buyers and sellers of real property. This bill would make it even more difficult for people to sell property in the State, and is inappropriate in light of the stagnant real estate market currently being experienced in California.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger



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To the Members of the California State Assembly:

I am returning **Assembly Bill 3033** without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Assembly:

I am returning **Assembly Bill 3041** without my signature.

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 68** without my signature.

This bill would shift responsibility to lead agencies, under the California Environmental Quality Act (CEQA), for determining the real parties in interest in a potential legal challenge to a CEQA decision.

Under current law, the phrase "real party in interest" in a CEQA appeal is described as "any recipient of an approval." This bill is meant to indirectly address this ambiguity, but it falls short of doing so because it provides no clarification on the meaning of the phrase and is unclear as to how lead agencies would comply with the requirements of this bill.

Rather than resolving this ongoing issue, this bill places upon the lead agency a new liability for actions not directly related to its review of a project.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 775** without my signature.

While I support programs to reduce lead exposure for children, this bill is duplicative of existing state requirements and may jeopardize overall funding for lead poisoning prevention. Many of the bill's provisions are unnecessary and are already being accomplished administratively.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 899** without my signature.

While I support the intent of this bill to reduce the quantity of abandoned fishing gear in the ocean, this bill would result in substantial, unsustainable costs to the Fish and Game Preservation Fund and the General Fund. Given our ongoing budget issues, I cannot support such a measure at this time.

I encourage the author and stakeholders to work with the Department of Fish and Game to convene a group to develop a workable program that does not rely exclusively on government funds and employees for this effort.

For this reason, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 908** without my signature.

While I am supportive of encouraging "climate change" education curriculum, I have consistently vetoed legislation that has attempted to mandate specific details or events into areas of instruction. The State Board of Education adopted content standards are developed by a diverse group of experts and are intentionally broad in order to allow coverage of various events, developments, and issues. I continue to believe that the State should refrain from being overly prescriptive in specific school curriculum, beyond establishing rigorous academic standards and frameworks.

Moreover, in this particular case, the California Integrated Waste Management Board's Office of Education and Environment, in conjunction with the California Environmental Protection Agency is already well into the process of incorporating the "climate change" issue in the creation of an environment-based K-12 model curriculum.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 1230** without my signature.

This bill prohibits the use, sale, manufacture or distribution of any cleaning agent that contains a phosphorous level greater than 0.5 percent and allows up to 8.7 percent phosphorous in cleaning agents with a specified set of uses.

This bill does not envision a programmatic compliance and enforcement approach. It would be left to non-governmental entities or individuals lodging complaints to police its compliance. Without appropriate regulatory oversight, SB 1230 may not lead to the protections envisioned by the author.

Additionally, this bill continues the practice of chemical by chemical, product by product bans and prohibitions. California needs a coherent and systematic approach to address chemicals in products that Californians use in everyday life.

It is for this reason that I have signed into law the beginning of our historic Green Chemistry program at the Department of Toxic Substances Control. Issues such as the one raised by this bill are better handled through that science-based regulatory process.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Senate:

I am returning **Senate Bill 1313** without my signature.

This bill would ban, effective January 1, 2010, the manufacture, sale or distribution in commerce of food packaging and other materials that come into contact with food and that contain certain perfluorinated compounds (PFCs) at specified levels.

Last year, when I signed AB 1108 (Ma) banning phthalates, I stated in my signing message that a chemical by chemical, product by product approach to these issues was not the most effective way to make chemical policy in California. I offered that I prefer a more systematic, science-based approach that would take into account the health effects, risks, and available alternatives for chemicals used in commerce today.

I have signed AB 1879 (Feuer) and SB 509 (Simitian) which mark the beginning of California's historic Green Chemistry Initiative. It is within this process that chemicals like PFCs should be addressed.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger  
Governor



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To the Members of the California State Senate:

I am returning **Senate Bill 1574** without my signature.

This bill provides interim standards for underground storage tanks storing biodiesel. As the Air Resources Board (ARB) moves forward with the adoption and implementation of the Low Carbon Fuel Standard (LCFS), the issue of the adequacy of underground storage tanks to safely store alternative fuels will continue to arise. This is especially true as we begin to realize our goal of new, lower carbon-content fuels being introduced into the marketplace.

We need to be prepared to handle this situation in a manner that neither impedes the deployment of alternative fuels, nor sacrifices our other environmental goals, such as improved water quality.

Therefore, I am directing the Secretary of the Environmental Protection Agency to coordinate with the State Water Resources Control Board and the ARB to assess this issue and that each entity, as appropriate, establish biodiesel and underground storage tank compatibility standards that can be consistently applied throughout the state.

Sincerely,

Arnold Schwarzenegger

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# **SIGNING MESSAGES**

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To the Members of the California State Legislature:

I am signing **Assembly Bill 1878** (Feuer) and **Senate Bill 509** (Simitian), which begin the historic implementation of the California Green Chemistry Initiative, started by my Administration in 2007.

Those bills provide a foundation for the development of Green Chemistry program that will build upon existing information and programs and create a model for other states and nations to follow. To ensure that the Green Chemistry Initiative is as visionary and efficient as possible, all administrative agencies involved in this process, including the Department of Toxic Substances Control as lead agency, should take into account programs in other states, countries and regions, such as the European Union, to build upon their experience, data and expertise.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Legislature:

I am proud to sign **Senate Bill 375**. This legislation constitutes the most sweeping revision of land use policies since Governor Ronald Reagan signed CEQA nearly four decades ago, and will provide much needed guidance to local planning agencies on transportation, housing and other land-use decisions necessary to meet our greenhouse gas reduction goals under AB 32.

I commend Senator Steinberg and the sponsors of this legislation for accomplishing the difficult task of bringing together disparate and competing interests in order to create the framework for an historic state-local partnership to meet the greatest environmental challenge of our time, global warming.

This bill once again puts California on the leading edge of climate change policy by instituting the nation's first policy to integrate four unsynchronized planning processes: land-use planning, transportation planning, housing development and reduction of greenhouse gas emissions. I am particularly pleased that this bill approaches the task with incentives rather than top-down regulatory mandates. If implemented as intended, this bill provides significant incentive in the form of a streamlined environmental review process under CEQA for certain residential and mixed-use housing projects that are consistent with regional plans to achieve greenhouse gas reduction targets.

By addressing greenhouse gas emissions in the aggregate from transportation projects, housing of all densities and other development projects, the "Sustainable Communities Strategy" (SCS) should also allow individual projects that are consistent with the regional plan to avoid conducting duplicative, project-specific CEQA greenhouse gas analysis and mitigation. While I strongly support the incentives provided to residential housing in the form of streamlined CEQA permitting, I believe the failure to extend those same incentives to all projects related to transportation, infrastructure, services and employment that are consistent with the regional plan fundamentally undermines the programmatic approach to land-use planning this bill hopes to achieve. The author has committed to address some of these issues in clean-up legislation as needed.

The sheer magnitude and complexity of this overhaul lends itself to drafting errors and oversights as the bill tries to integrate new, overarching regional requirements with existing local, state and federal laws and regulations. Failure to properly integrate these layers of regulatory requirements could result in litigation, additional cost and delay in completing much needed transportation and housing projects that are already underway throughout the State. My administration will work with the author and sponsors of this legislation to ensure that clean-up legislation is drafted to address these issues in the next session.

Specifically, there are four areas that must be addressed:

**Provide exemptions for voter-approved Proposition 1B Transportation Projects –**

Although the clear intent of the author was to exempt all transportation projects funded through Proposition 1B, approved by the voters in 2006, ambiguous language in the bill may put at risk approximately \$5 billion in Prop 1B transportation projects throughout the state,

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including in Los Angeles, San Diego, Riverside, Orange and San Bernardino counties. Clean-up legislation is needed to clearly exempt all projects funded with Proposition 1B funds.

**Expand CEQA streamlining to other projects that are consistent with a Sustainable Communities Strategy** – This bill wisely offers housing developers the ability to “opt out” of certain CEQA requirements in exchange for adhering to a preapproved “Sustainable Communities Strategy.” However, this bill only applies the benefits of compliance with an SCS to new residential construction, omitting most projects related to other infrastructure, retail and commercial development. This omission undermines the whole reason for the bill in the first place – implementing a comprehensive programmatic approach to land-use planning – and must be addressed.

**Eliminate schedule conflicts with housing element updates and Regional Transportation Plans (RTPs)** – While the bill is intended to synchronize updates of housing elements in local government general plans and regional transportation plans (RTP), new and conflicting schedules are established with regard to the federal transportation planning schedule, federal air quality regulations, and existing deadlines for housing element updates and regional transportation plans. Without correction, confusion and litigation are likely to result. The Department of Housing and Community Development is already reporting that the provisions of the bill could invalidate the housing element of a city’s General Plan. This places the city at risk of losing access to federal and state housing funds, including funding approved by the voters in Proposition 1C. This was clearly not the intent of the author and these conflicting schedules must be addressed as quickly as possible.

**Mitigation for impacts to the State Highway System** – While the author did address a request to include the State Highway System (SHS) in the definition of the regional transportation network, follow-up legislation is needed to provide clarity of the requirement that projected impacts to SHS by previously approved and new projects are required to mitigate for SHS impacts. Apparent inconsistency between this bill and current mitigation requirements provide broad potential for litigation that will hamper project delivery and potentially drain hundreds of millions of dollars from the State Highway Account, shifting mitigation costs that are now borne by project proponents to taxpayers.

I look forward to working with the author and all stakeholders in addressing these issues so that we can ensure the successful implementation of this bill and realize our greenhouse gas emission reduction goals.

Sincerely,

Arnold Schwarzenegger

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To the Members of the California State Legislature:

I am signing **Senate Bill XX 1**, which appropriates \$821 million from Proposition 84 and other bonds for various water projects.

Unfortunately, the bill provides \$200 million less than I had proposed in my January 2008 budget for grants to integrate water management efforts on a regional level. Additionally, more than \$580 million of the funding in this bill was proposed in my January 2008 budget. But because the Legislature removed it from the budget and placed it into this special session bill, instead of being available for projects today, the money will not be available for use until March 2009. This is an unfortunate delay and I look forward to working with Legislative leaders to increase funding and provide timely approval of additional funds in the coming year to address our continuing water crisis.

With our current drought, many water districts are rationing supplies, farmers are letting fields sit idle and some of our reservoirs are less than half full. Court-ordered reductions in deliveries from the Delta, and climate change are further compounding our water challenges. And a state of 37 million people cannot thrive on a water system designed and built for a population half that number.

Once again, I call on the Legislature to work with me to place a comprehensive water bond on the ballot. We must work together to address our water and flood management priorities so we can ensure California has all the water it needs to keep our environment and our economy healthy and our people safe.

Sincerely,

Arnold Schwarzenegger